IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.914 OF 2007

Shri Shivlal Bhimji Waghmare ..Appellant.
Vs.
Bank of Baroda & Anr. ..Respondents.

Mr.Ambar Joshi, adv. for the Appellant.
Mr.Ravindra Hazari, adv. for the Respondent No.1.

CORAM : J.H.BHATIA, J.
DATE : NOVEMBER 27, 2007.

P.C.:

1. The learned counsel for the Parties conceded that the present appellant has already filed intervention application and objection to the execution of the decree in respect of the property, which the appellant claims to have purchased under the registered sale deed dated 31st May, 2001 and 7th December, 2005. That piece of land admeasures 2009 sq.ft. Total area of the plot no.96 belonging to the respondent no.2 appears to be 3502 sq.mtrs. Out of that 1500 sq.mtr.land appears to have been mortgaged with the bank. In view of the fact that his intervention application and objection are pending before the D.R.T., the learned counsel for the parties concede that this appeal may be disposed off and the bank will not execute the decree as far as the piece of the property on which the plaintiff/appellant has claim,

till his application for intervention and objection are finally disposed off by the D.R.T.

2. In view of the above statement of the learned counsel for both the parties, appeal stands disposed off and the bank shall not execute the decree in respect of the disputed property on which the plaintiff has claim till his intervention application and objection are finally decided by the D.R.T.

[J.H.BHATIA, J.]